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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,314

12/29/2003

Ming Fang Tsai

7999

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EXAMINER

ADE, OGER GARCIA

ART UNIT

PAPER NUMBER

3687

MAIL DATE

DELIVERY MODE

10/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/748,314	Applicant(s) TSAI, MING FANG	
	Examiner GARCIA ADE	Art Unit 3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on 07/14/2008 has been considered. Applicant amended claims 8 and 9.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1, 2, and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner et al. [US 6,470,228 B1], and further in view of Chen et al. [US 2003/0126043 A1].

As per claims 1-2, 4-7, Turner discloses a system for managing (10) material distribution and returned materials, the system comprising: a database for storing relevant data used or generated in implementing the system (device 20); and an application server (22) for managing material distribution and returned materials by executing an inventory management program [see paragraph 50 of the detailed description of the invention, read as: **processor 12 may also update inventory information 30 to reflect return of excess material areas 62 and 64 to inventory**]; transmitting material extraction information to an application server [via **output 34** that may also contain other information]; generating inventory variation information [via **application 22** that generates an order status update]; updating corresponding data records stored in a database [via **processor 12** that may update order information 24 using cost distribution 36].

Turner discloses all elements per claimed invention as explained above. Turner does not explicitly disclose the inventory management program comprising a material distribution management module for managing outgoing stocks that are to be distributed to different places, and a returned material management module for managing incoming stocks that are received from different places. However, Chen discloses the inventory management program comprising a material distribution management module for managing outgoing stocks that are to be distributed to different places, and a returned material management module for managing incoming stocks that are received from different places [see abstract, paragraph 4 (e.g. **manage excess/surplus stock, etc.**), and paragraph 48 (e.g. **material modules C, D, and E**)].

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Turner to include Chen's material distribution management module for managing outgoing stocks. Such a modification would provide planning for production schedules after purchasing material items, how to arrange delivery of finished goods, how to manage excess/surplus, outgoing stocks, and etc. [see paragraph 4].

As per claim 3, Turner discloses a user interface for receiving orders input by users, and for displaying results of implementation of said orders [see third paragraph of the detailed description of the invention]. Turner, further discloses a processor 12 that may comprises a computer, workstation, such as a UNIX workstation, mini-computer, mainframe or other **computing device** associated with a volatile or non-volatile memory 18, **input device 14**, and material management system 10 through output device 16, which may include **a display**, printer, or any other type of output device [see third paragraph of the detailed description of the invention]. Additionally, Turner discloses that computer systems are generally used in material management systems for tracking the material inventory throughout the manufacturing operations [see background of the invention].

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner, and further in view of Feeney, JR. et al. [US 2002/0032582].

As per claims 8 and 9, Turner discloses all elements per claimed as explain above. Turner does not explicitly disclose executing an inventory management program by said application server, said inventory management program comprising a material

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distribution management module for managing said outgoing stocks that are to be distributed to different places. However, Feeney discloses executing an inventory management program by said application server, said inventory management program comprising a material distribution management module for managing said outgoing stocks that are to be distributed to different places [see paragraph 40 (e.g. ***inventory management module to control and manage the inventory of the product***)].

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Turner to include Feeney's material distribution management module to control and manage the inventory of the product. Such a modification would provide inventory management services, where not only data, but actual inventory of products and supplies can be managed [see summary of the invention].

Examiner's note: The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately. The prior art differs from the claim by the substitution of some components. The substituted components were known. The technical ability existed to substitute the components as claimed and the result of the substitution is predictable.

Response to Arguments

6. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GARCIA ADE whose telephone number is (571)272-5586. The examiner can normally be reached on M-F 8:30AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571.272.3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Gart/
Supervisory Patent Examiner, Art Unit 3687

Garcia Ade
Examiner
Art Unit 3687

ga